

Mail Stop Interference  
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Paper 1  
Filed: 23 February 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**ANDREAS W. DREHER**  
Junior Party  
(Patent No. 6,840,619),

v.

**RONALD D. BLUM, DWIGHT P. DUSTON and DAN KATZMAN**  
Senior Party  
(Application No. 11/636,510).

Patent Interference No. 105,681 (SCM)  
(Technology Center 2800)

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1   **Part A. Declaration of interference**

2         An interference is declared (35 U.S.C. § 135(a)) between the above-  
3         identified parties. Details of the application(s), patent (if any), reissue application  
4         (if any), count(s) and claims designated as corresponding or as not corresponding  
5         to the count(s) appear in Parts E and F of this DECLARATION.

6   **Part B. Judge managing the interference**

7         Administrative Patent Judge Sally C. Medley has been designated to manage  
8         the interference. Bd. R. 104(a).

9   **Part C. Standing order**

10         A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11         DECLARATION. The STANDING ORDER applies to this interference.

12   **Part D. Initial conference call**

13         A telephone conference call to discuss the interference is set for **1:00 p.m.**  
14         on **23 April 2009** (the Board will initiate the call).

15         No later than **four business days** prior to the conference call, each party  
16         shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;  
17         Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18         A sample schedule for taking action during the motion phase appears as  
19         Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the  
20         schedule prior to the conference call and to agree on dates for taking action. A  
21         typical motion period lasts approximately eight (8) months. Counsel should be  
22         prepared to justify any request for a shorter or longer period.

## **1 Part E. Identification and order of the parties**

## Junior Party

Named inventors: ANDREAS W. DREHER, Escondido, CA

**Involved Patent:** U.S. Patent 6,840,619, issued 11 Jan. 2005, based on Application 10/773,667, filed 06 Feb. 2004

**Title:** EYEGLASS MANUFACTURING METHOD  
USING VARIABLE INDEX LAYER

Assignee: Comerica Bank

## Senior Party

**Named Inventors:** RONALD D. BLUM, Roanoke, VA  
DWIGHT P. DUSTON, Laguna Niguel, CA  
DAN KATZMAN, Givat Ela, Israel

Involved Application: Application 11/636,510, filed 11 Dec. 2006

**Title:** SYSTEM, APPARATUS AND METHOD FOR CORRECTING VISION WITH AN ADAPTIVE OPTIC

Assignee: none

28 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
29 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior  
30 party is responsible for initiating settlement discussions. SO ¶ 126.1.

## **1 Part F. Count and claims of the parties**

## Count 1

## Claim 1 of Dreher's Patent 6,840,619

or

**Claim 1 of Blum's Application 11/636,510**

The claims of the parties are:

Dreher Patent 6,840,619: 1-21

Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

The claims of the parties which correspond to Count 1 are:

Dreher Patent 6,840,619: 1-21

Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

The claims of the parties which do not correspond to Count 1, and therefore

are not involved in the interference, are:

Dreher Patent 6,840,619: none

**Blum Application 11/636,510: none**

The parties are accorded the following benefit for the Count:

Dreher: 10/044,304, filed 25 Oct. 2001, now  
Patent 6,712,466, issued 30 Mar. 2004

Blum: 11/091,104, filed 28 Mar. 2005, now  
Patent 7,188,948, issued 13 Mar. 2007

10/626,973, filed 25 Jul. 2003, now  
Patent 6,918,670, issued 19 Jul. 2005

09/602,013, filed 23 Jun. 2000, now  
Patent 6,619,799, issued 16 Sep. 2003

60/161,363, filed 26 Oct. 1999

1 60/150,564, filed 25 Aug. 1999  
2  
3 60/150,545, filed 25 Aug. 1999  
4  
5 60/147,813, filed 10 Aug. 1999  
6  
7 60/143,626, filed 14 Jul. 1999  
8  
9 60/142,053, filed 02 Jul. 1999

**Part G. Heading to be used on papers**

12 The following heading must be used on all papers filed in this interference,  
13 see SO & 106.1.1:

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1   **Part H. Order form for requesting file copies**

2       When requesting copies of files, use of SO Form 4 will greatly expedite  
3       processing of the request. Please attach a copy of Parts E and F of this  
4       DECLARATION with a hand-drawn circle around the patents and applications for  
5       which a copy of a file wrapper is requested.

6

7                   /Sally C. Medley/  
8                   Administrative Patent Judge

9       Enc:

10          Copy of STANDING ORDER  
11          Form PTO-850  
12          Copy U.S. Patent 6,840,619  
13          Copy of claims of Application 11/636,510

14

15

16

17       Revised 3 January 2006

18

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1 cc (via overnight delivery):

2

3 Attorney for Dreher:

4

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10 Attorney for Blum:

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